IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

DATE OF DECISION: 17.8.2006.

Vineet Khanna and another

...Appellants

versus

Rajesh and another

... Respondents

CORAM:- Hon'ble Mr. Justice Uma Nath Singh.
Hon'ble Mr. Justice S.D.Anand.

Present: Mr.Deepak Gupta, Advocate,
for the appellants.

UMA NATH SINGH, J. (Oral)

Heard on CM No.13289-CII of 2006 in FAO No.1584 of 2006 (application for listing the case for motion hearing). On due consideration, for the reasons given in the application, it is allowed and the FAO is taken up for hearing.

CM No.13289-CII of 2006 is disposed of accordingly.

FAO No.1584 of 2006

This FAO by the owner of the offending vehicle arises out of an award dated 2.12.2005 passed by learned Presiding Officer, Motor Accident Claims Tribunal, Panipat, in Petition No.125 of 2004, awarding a sum of Rs.60,000/- in an injury case.

Learned counsel for the appellants submitted that even though, admittedly, on the date of accident, the driver of the offending vehicle was not possessing a valid driving licence but in terms of a judgment of Hon'ble the Apex Court reported in 2004(1) ACJ 1 (National Insurance Company Limited versus Swaran Singh and others), this defect can be made good and the Insurance Company alone would be liable to the third party for paying

the compensation. Learned counsel also referred to para Nos.41 and 42 of the aforesaid judgment to submit that if the authority accepts fine for delayed submission of application for renewal of the licence, then, even in the absence of licence on the date of accident, the owner would not be liable.

We are unable to persuade ourselves to accept the submissions urged by learned counsel. The accident took place on 13.2.2004, whereas the licence was renewed on 12.3.2004, after a month. Besides, it appears that the driver, for the first time, was issued the driving licence No.6267/P on 14.5.1980, which was valid upto 13.5.1983. Thereafter, neither the impugned award gives any information, nor does learned counsel for the appellants indicate as to when the driver applied for renewal of the licence and upto what date the said licence was valid. As admittedly, on the date of accident, driving licence of the driver of the offending vehicle was not renewed, we are not inclined to interfere with the award, granting recovery right to the Insurance Company against the owner.

Accordingly, the FAO is dismissed as such.

(UMA NATH SINGH)
JUDGE

August 17, 2006 **(S.D.ANAND)**
pk **JUDGE**